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## REMARKS

Without acceding to the propriety of the rejection under 35 U.S.C. §112, claims 3, 6, 10 and 11 are being canceled to remove the basis for this rejection, and thereby reduce the number of issues on Appeal. As stated above, the above amendment complies with 37 C.F.R. §41.33(b)(1).

Respectfully submitted,

**BUCHANAN INGERSOLL & ROONEY PC** 

Date: August 16, 2010

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